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09/589,627	06/07/2000	Howard Gurney	858063.449	8613

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EXAMINER
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ART UNIT	PAPER NUMBER
2665	14

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 May 2004_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18,22 and 26_ is/are rejected.

7)☒ Claim(s) _19-21,23-25 and 27-29_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 May 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: ___ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claim 1, 11-12, 15-18, 22 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated

by Lyons et al (US 6,061,399).

For claims 1, Lyons et al disclose method and apparatus for information stream frame

synchronization, said device comprising:

identifying means for identifying a first plurality of portions of data (figure 1, reference

S1A) from said received stream of data (figure 1, reference SP) and producing a first output

stream (col. 3 lines 19-22);

first output means for outputting said first output stream (col. 3 lines 29-30);

selecting means for selecting a second plurality of portions of data (figure 1, reference

S1V) from said received stream of data (figure 1, reference SP) and producing an alternative

output stream (col. 3 lines 19-22);

determining means for determining the relative timing of said second plurality of portions

of data (col. 3 lines 25-27); and

second output means for outputting said alternative output stream (col. 3 lines 19-22),

wherein the relative timing between portions of data in the received stream of data and in the

alternative output stream is maintained (col. 3 lines 33-41).

For claim 11, Lyons et al disclose wherein means are provided for storing the selected

portions of said data (col. 3 lines 35-41).

For claim 12, Lyons et al disclose wherein the means for storing the selected portions of

data stores only the selected portions of data (col. 3 lines 35-41).

For claim 15, Lyons et al disclose wherein the input stream conforms to the MPEG-2

standard (col. 3 lines 2-4).

For claim 16, Lyons et al disclose method and apparatus for information stream frame

synchronization, said device comprising:

identifying means for identifying a first plurality of portions of data (figure 1, reference

S1A) from said received stream of data (figure 1, reference SP) and producing a first output

stream (col. 3 lines 19-22);

first output means for outputting said first output stream (col. 3 lines 29-30);

selecting means for selecting a second plurality of portions of data (figure 1, reference

S1V) from said received stream of data (figure 1, reference SP) and producing an alternative

output steam (col. 3 lines 19-22);

determining means for determining the relative timing of said second plurality of portions

of data (col. 3 lines 25-27); and

second output means for outputting said alternative output stream (col. 3 lines 19-22), wherein the relative timing between portions of data in the received stream of data and in the alternative output steam is maintained (col. 3 lines 33-41).

For claim 17, Lyons et al disclose method and apparatus for information stream frame synchronization, comprising the steps of:

receiving a stream of data (figure 1, reference SP, col. 3 line 19-22);

identifying a first plurality of portions of data (figure 1, reference S1A) from said received stream of data (figure 1, reference SP) and producing a first output stream (col. 3 lines 19-22);

outputting said first output stream (col. 3 lines 29-30);

selecting a second plurality of portions of data (figure 1, reference S1V) from said received stream of data (figure 1, reference SP) and producing an alternative output stream (col. 3 lines 19-22);

determining the relative timing of said second plurality of portions of data (col. 3 lines 25-27); and

outputting the alternative output stream (col. 3 lines 19-22), wherein the relative timing between portions of data in the received stream of data and in the alternative output stream is maintained (col. 3 lines 33-41).

For claim 18, Lyons et al disclose wherein the received data stream comprises multiplexed portions of the first plurality of portions of data and the second plurality of portions of data (col. 3 lines 19-22).

For claim 22, Lyons et al disclose method and apparatus for information stream frame synchronization, the device comprising:

first processing circuit (figure 1, reference 120) for identifying a first plurality of portions of data (figure 1, reference S1A) in the received data stream of data (figure 1, reference SP) and producing a first output data stream (col. 3 lines 19-22);

second processing circuitry (figure 1, reference 120) for identifying a second plurality of portions of data (figure 1, reference S1V) in the received data stream of data (figure 1, reference SP) and producing a second output data stream (col. 3 lines 19-22); and

timing control circuitry (figure 1, reference 200) for maintaining relative timing between portions of data in the received data stream (figure 1, reference SP) and portions of data in the second output stream (figure 1, reference S1V, col. 3 lines 33-41).

For claim 26, Lyons et al disclose method and apparatus for information stream frame synchronization, the device comprising:

identifying circuitry (figure 1, reference 120) for identifying a first plurality of portions of data (figure 1, reference S1A) in the received data stream (figure 1, reference SP) and a second plurality of portions of data (figure 1, reference S1V) in the received data stream of data (figure 1, reference SP) (col. 3 lines 19-22);

first output circuitry (figure 1, reference 120) for producing a first output data stream (col. 3 lines 19-22);

second output circuitry (figure 1, reference 120) for producing a second output stream corresponding to the second plurality of portion data (figure 1, reference S1V) in the received data stream (col. 3 lines 19-22); and

timing control circuitry (figure 1, reference 200) coupled to the second output circuitry

(figure 1, reference 200) for maintaining relative timing between the received data stream (figure

1, reference SP) and the second output stream (figure 1, reference S1V, col. 3 lines 33-41).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 2, 4-9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lyons et al (US 6,061,399) in view of Nakase et al (US 5,742,361).

For claim 2, 4-9 and 13, Lyons et al do not disclose wherein said stream of data

comprises a plurality of data packets and said plurality of portions of data occur within a packet.

In an analogous art, Nakase et al. disclose wherein said stream of data comprises a plurality of

data packets and said plurality of portions of data occur within a packet (col. 1 lines 16-19).

Nakase et al. disclose wherein means are provided for identifying which of said plurality

of data packets comprise data to be output by said output means (figure 6, col. 13 lines 38-41 as

set forth in claim 4); wherein storage means are provided for storing information for each portion

of a packet indicating if the portion of data is valid or invalid (figure 1, col. 12 lines 3-14 as set

forth in claim 5); wherein said information comprises a data portion valid signal (col. 11 line26

to col. col. 12 line 9 as set forth in claim 6); wherein the storage means comprises a

first-in-first-out buffer (figure 1, col. 10 lines 27-29 as set forth in claim 7); wherein each data

packet includes information identifying the beginning of said packet and means are provided for

identifying the beginning of each packet (figure 6, col. 8 lines 45-51 and col. 13 lines 47-52 as set forth in claim 8); wherein said means for identifying the beginning of a packet provides an output for controlling the timing of the output of the selected data by said output means (col. 8 lines 54-60 and col. 14 line 64 to col. 15 line 3 as set forth in claim 9); wherein the means for storing the selected portions of data is a first in first out buffer (col. 11 lines 44- 51 as set forth in claim 13).

One skilled in the art would have recognized wherein said stream of data comprises a plurality of data packets and said plurality of portions of data occur within a packet to use the teachings of Nakase et al. in the system of Blatter et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the wherein said stream of data comprises a plurality of data packets and said plurality of portions of data occur within a packet as taught by Nakase et al. in Blatter et al.'s system with the motivation being to provide an apparatus for extracting each of desired video data and audio data from such a multiplexed stream and transferring the extracted data respectively to a video decoder and an audio decoder at proper timing is called multiplexed stream demultiplexer (col. 1 lines 19-24).

5.   Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al (US 6,061,399) in view of Nakase et al (US 5,742,361) further in view of Naimpally et al (US 5,650,825).

For claims 3 and 10, Lyons et al in view of Nakase et al do not disclose wherein each portion of data comprises a byte of data. In an analogous art, Naimpally et al. disclose wherein each portion of data comprises a byte of data (col. 10 lines 12-15). Naimpally et al. disclose further wherein a fixed latency is provided between the input plurality of portions of data

received by the device and the output of those selected portions of data (figure 1, col. 2 lines 24-26 as set forth in claim 10).

One skilled in the art would have recognized wherein each portion of data comprises a byte of data to use the teachings of Naimpally et al. in the system of Lyons et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the portion of data comprises a byte of data as taught by Naimpally et al. in Lyons et al's system with the motivation being to provide a process, knowing the format of start codes used by meaningful data (e.g., picture data) in the payload of a Transport Packet, counts the stuffing bits in the packet payload until a start code is encountered (col. 10 lines 3-9).

6.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al (US 6,061,399) in view of Nakase et al (US 5,742,361) further in view of Evans et al (US 5,146,564).

For claim 14, Lyons et al in view of Nakase et al disclose wherein means are provided for storing the selected portion of said data (figure 1, reference S12, col. 3 lines 35-37). However, Lyons et al in view of Nakase et al do not disclose the second output means comprises a state machine which controls the output of the selected portions of data, said state machine receives outputs from said means for storing said selected portions of data, and said means for storing information on each portion of data. In an analogous art, Evans et al disclose the second output means comprises a state machine (figure 3, reference 40) which controls the output of the selected portions of data, said state machine (figure 3, reference 40) receives outputs from said means for storing said selected portions of data, and said means for storing information on each portion of data (col. 13 lines 5-7).

One skilled in the art would have recognized a state machine to use the teachings of Evans et al in the system of Lyons et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the state machine as taught by Evans et al in Lyons et al's system with the motivation being to control the select lines to a demultiplexer (col. 11 lines 14).

Allowable Subject Matter

7.   Claims 19-21, 23-25 and 27-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8.   Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

TN
TN

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